

The article was alleged to be adulterated in that its purity or quality fell below that which it purported, or was represented to possess, namely, "sterilized." It was alleged to be misbranded in that the representations in the labeling that it had been sterilized after packing; that after packaging it had been subjected to a sterilization process whereby the effectively sealed packages had been subjected to the action of steam heat sufficient to raise the interior of the package to a temperature of 240° F. and that such temperature had been steadily maintained as a minimum for a period of 30 minutes, were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

239. Adulteration and misbranding of self-adhering gauze. U. S. v. 36 Dozen Retail Packages of Fabco Self-Adhering Gauze. Default decree of condemnation and destruction. (F. D. C. No. 1624. Sample No. 87063-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On March 13, 1940, the United States attorney for the District of Rhode Island filed a libel against 36 dozen retail packages of the above-named product at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 12, 1940, by Hanover Sales Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, since it was represented as having been sterilized after packing; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation in the labeling that it had been sterilized after packing was false and misleading as applied to a product which was contaminated with viable micro-organisms.

On April 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

240. Adulteration and misbranding of gauze bandage. U. S. v. 91½ Gross Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 2610. Sample No. 2725-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The bandages occupied approximately 44 percent of the space in the carton.

On August 19, 1940, the United States attorney for the District of Massachusetts filed a libel against 91½ gross packages of gauze bandages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Meditex Supply Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gauze Bandage Sterilized After Packing Meditex."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, namely, "Sterilized," since it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation on the carton that it had been sterilized after packing was false and misleading as applied to an article which was not sterile. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

241. Misbranding of surgical dressings. U. S. v. 11 Gross Packages of Medi Band All Purpose Bandage; and 6 Gross of Medi-Gauze. Default decrees of condemnation and destruction. (F. D. C. Nos. 1589, 1658. Sample Nos. 46944-D to 46947-D, incl.)

These products had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be contaminated with viable micro-organisms. A portion of the "Medi-Gauze" was packed in cartons about twice as large as necessary.

On March 8 and 20, 1940, the United States attorney for the Northern District of Illinois filed libels against 11 gross packages of bandage and 6 gross packages of gauze at Chicago, Ill., alleging that the articles had been shipped in interstate commerce within the period from on or about January 17 to on

or about January 29, 1940, by Medi Brand Products Manufacturing Co. from Detroit, Mich.; and charging that they were misbranded.

Misbranding was alleged in that representations in the labeling of the All Purpose Bandage that it would guard against infection, was an all-purpose bandage, was sanitary, an excellent first-aid bandage, and a necessary first aid; and those in the labeling of the Medi-Gauze that it was medicated with mercuric chloride, and could be used in place of ordinary gauze or adhesive tape, were false and misleading. A portion of the Medi-Gauze was alleged to be misbranded further in that its containers were so made, formed, and filled as to be misleading.

On April 8 and May 7, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

242. Adulteration and misbranding of gauze bandages. U. S. v. 30 Gross and 74 Dozen Gauze Bandages. Default decree of condemnation and destruction. (F. D. C. No. 696. Sample Nos. 36030-E to 36033-E, incl.)

This product had been shipped in interstate commerce and was in interstate commerce when examined, at which time it was found to be contaminated with viable micro-organisms. The bandages were short of the declared 10 yards in length, were not composed of continuous strips but consisted of 2 or more pieces sewed together, and the cartons were larger than necessary.

On August 30, 1940, the United States attorney for the District of Rhode Island filed a libel against 30 gross and 74 dozen gauze bandages at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about June 19 and July 31, 1940, by the Meditex Supply Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gauze Bandage Meditex."

It was alleged to be adulterated in that its purity and quality fell below that which it purported or was represented to possess, namely, gauze bandage which had been sterilized after packing, since it did not consist of continuous strips but of pieces sewed together and it was not sterile.

It was alleged to be misbranded in that the representations on the carton that it was gauze bandage, had been sterilized after packing, and was 10 yards in length, were false and misleading as applied to an article which did not consist of continuous strips of gauze, which was not sterile, and was not 10 yards long, and the label of which did not reveal the fact, material in the light of the representation that it was a gauze bandage 10 yards long, that it was not a continuous strip. It was alleged to be misbranded further in that the packages failed to bear on their labels an accurate statement of the quantity of the contents in terms of measure. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

243. Misbranding of gauze bandage. U. S. v. 1½ Gross Retail Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1846. Sample Nos. 5817-E, 5818-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms. The bandages were not antiseptic as implied by the labeling; and the 1 inch x 15 yard-sized rolls occupied only 48 percent of the volume of the carton, and the 1-inch x 7½ yard-sized rolls occupied only 40.22 percent of the volume of the carton.

On April 23, 1940, the United States attorney for the Southern District of Ohio filed a libel against 1½ gross packages of gauze bandages at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by Modern Necessities from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Nu-Tape Adhering Gauze Bandage."

It was alleged to be misbranded in that the representations on the carton that it was medicated with antiseptic mercuric chloride, and that it should be used for wounds and burns as ordinary gauze bandage for all forms of bandaging, were false and misleading as applied to an article that was not sterile and did not possess antiseptic properties, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.